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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,189	10/30/2003	Gary Hochman	0813-016P/JAB	8180
7590 11/15/2005			EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP			STOICA, MARIA	
292 Madison Avenue			ART UNIT	
New York, NY 10017			PAPER NUMBER	
			3715	
DATE MAILED: 11/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/697,189

Applicant(s)

HOCHMAN, GARY

Examiner

Maria Stoica

Art Unit

3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because it is very difficult to understand the written labels. These labels should be either neatly handwritten or typed such that they can be easily deciphered. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds 150 words.

Correction is required. See MPEP § 608.01(b).

3. The disclosure is objected to because of the following informalities: on p. 3, line 25, in the phrase "such as a compact disk d" it is unclear to what the "d" refers.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-7, 10, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308 et al. (US Patent No. 6,178,308) in view of Poor'060 (US Patent No. 5,672,060).

Regarding claim 1, Bobrow'308 discloses the steps of:

- a) disseminating gradable material to at least one student for the student to enter gradable information therein (elements 201-203 in Figure 2);
- b) collecting the gradable material and determining a grade therefore (Figure 10);
- c) entering teacher-generated review data for the student from whom the gradable material was collected upon the gradable material in a machine readable format (items 210 and 211 in Figure 2, col. 10, lines 35-38);

d) capturing and storing an image of the gradable material, including the review data, (steps 211 and 205 in Figure 2) in an electronic folder associated with a student identification code thereon (col. 10, lines 42-44); and

e) providing controlled viewing access to the image by specified viewers (step 210 in Figure 2; item 301 in Figure 3).

Bobrow'308 does not specify that the user to receive access to the image should be authorized. However, Poor'060 teaches a system that captures and stores an image of gradable material, providing controlled viewing access to the image by authorized viewers in the Abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the authorization process taught by Poor'060 in the method disclosed by Bobrow'308 in order to allow for secure access of elements stored in the system.

Regarding claim 2, Bobrow'308 discloses a step of locating a label on the gradable material having a pre-determined data capture format for review data to be placed thereon (col. 5 lines 9-14; col. 10, lines 35-40) and placing review data upon the label (col. 5, lines 21-26).

Regarding claim 3, Bobrow'308 discloses that an area should be reserved for authentication information for a degree of security (col. 5, lines 18-20). In the case when the student is using the system, it would be the student identification code.

Regarding claims 5-6, Bobrow'308 discloses that the review data includes a grade and that the review data capture format accommodates the grade (col. 8, line 60; col. 10, lines 35-38).

Regarding claim 7, Bobrow'308 further discloses that the label includes a specified location for the student identification code (col. 5, lines 18-20, see claim 3 rejection).

Regarding claim 10, Bobrow'308 further discloses that the gradable material can be returned to the student after it has been scanned into the system (col. 10, lines 44-50).

Regarding claim 12, Bobrow'308 discloses that the image is a scanned electronic image of the original document (col. 4, lines 7-9).

Regarding claim 14, the grade is placed upon the gradable material in a machine-readable format (col. 8, line 60; col. 10, lines 35-38).

Regarding claim 16, the system of Bobrow'308 further comprises an external storage device to which data (inherently including any stored images of student input) can be stored (col. 12, lines 26-27, item 1305 in Figure 13).

5. Claims 4/3, 8/3, 11/3, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308/Poor'060 as applied to claim 3 above, and further in view of Kraft'305 et al. (US Patent No. 4,978,305).

Regarding claims 4/3 and 8/3, Bobrow'308/Poor'060 do not teach the affixation of a separate label to the gradable material. However, Kraft'305 discloses a grading system comprising the step of locating a label on the gradable material having a specified location (i.e., on each exam) for the affixation of the student identification code (i.e., examinee number), wherein the step of locating a label comprises the affixation of a separate label to the gradable material, wherein the label includes a pre-printed student identification code (col.7, lines 30-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kraft'305 of adding the step of affixing a label to the method of Bobrow'308/Poor'060 in order to allow a student to more easily label all work with their student identification code.

Regarding claim 11/3, Bobrow'308/Poor'060 do not teach that the identification code is entered on the gradable material after the gradable material is collected. However, Kraft'305 teaches this aspect (col.7, lines 61-64). It would have been obvious to one of ordinary skill in the art to modify the method disclosed by Bobrow'308/Poor'060 in the way taught by Kraft'305 in order to allow for the affixation of the student identification code after the assignment had been submitted, in case the student had forgotten to attach it.

Regarding claim 15, Bobrow'308/Poor'060 do not teach the step of placing a captured grade in an electronic grade book or database. However, Kraft'305 teaches this aspect (col.10, lines 12-24). It would have been obvious to one of ordinary skill in the art at the time of invention to add the electronic grade book updating step to the method of Bobrow'308/Poor'060 in order to make it easier for the grader to keep track of the grades recorded on the assignments.

6. Claim 4/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308/Poor'060 as applied to claim 2 above, and further in view of Kraft'305 et al. (US Patent No. 4,978,305).

Regarding claims 4/2, Bobrow'308/Poor'060 do not teach the affixation of a separate label to the gradable material. However, Kraft'305 discloses a grading system comprising the step of locating a label on the gradable material having a specified location (i.e., on each exam) for the affixation of the student identification code (i.e., examinee number), wherein the step of locating a label comprises the affixation of a separate label to the gradable material, wherein the label includes a pre-printed student identification code (col.7, lines 30-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kraft'305 of adding the step of affixing a label to the method of Bobrow'308/Poor'060 in order to allow a student to more easily label all work with their student identification code.



7. Claims 8/7 and 11/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308/Poor'060 as applied to claim 7 above, in further view of Kraft'305.

Regarding claim 8/7, Bobrow'308/Poor'060 do not teach the affixation of a separate label to the gradable material. However, Kraft'305 discloses a grading system comprising the step of locating a label on the gradable material having a specified location (i.e., on each exam) for the affixation of the student identification code (i.e., examinee number), wherein the step of locating a label comprises the affixation of a separate label to the gradable material, wherein the label includes a pre-printed student identification code (col.7, lines 30-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Kraft'305 of adding the step of affixing a label to the method of Bobrow'308/Poor'060 in order to allow a student to more easily label all work with their student identification code.

Regarding claim 11/7, Bobrow'308/Poor'060 do not teach that the identification code is entered on the gradable material after the gradable material is collected. However, Kraft'305 teaches this aspect (col.7, lines 61-64). It would have been obvious to one of ordinary skill in the art to modify the method disclosed by Bobrow'308/Poor'060 in the way taught by Kraft'305 in order to allow for the affixation of the student identification code after the assignment had been submitted, in case the student had forgotten to attach it.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308/Poor'060 as applied to claim 1 above, and further in view of Kraft'305 et al.

(US Patent No. 4,978,305). Although Bobrow'308/Poor'060 do not teach the step of affixing the student identification code on the gradable material, Kraft'305 teaches this aspect (col. 7, lines 30-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to allow for the affixation of a student identification code onto the gradable material as taught by Kraft'305 in order to make it easier to identify the student who had filled out the form.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308/Poor'060 as applied to claim 1 above, and further in view of Romano'595 et al. (US 5,991,595). Bobrow'308/Poor'060 does not disclose expressly wherein the step of providing viewing access is through the Internet. However, Romano'595 teaches this aspect (col. 6, lines 49-54). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate providing viewing access through the Internet into the method and system of Bobrow'308/Poor'060, in light of the teaching of Romano'595, in order to enable a remote communication means.

8. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bobrow'308/Poor'060 as applied to claim 16 above, and further in view of Housman'340 et al. (US 2003/00224340).

Regarding Claim 17, Bobrow'308/Poor'060 does not disclose expressly wherein the secondary storage media is a CD. However, Housman'340 teaches such on p.1,

[0007]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate wherein the secondary storage media is a CD into the method and system of Bobrow'308/Poor'060, in light of the teaching of Housman'340, in order to provide a storage media to write files to.

Regarding Claim 18, Bobrow'308/Housman'340 does not disclose expressly wherein the transferring step comprises the transfer of a plurality of stored images associated with a particular student identification number (i.e., images if materials associated with specific students). However, Poor'060 teaches this aspect (col.6: 58-61). Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitation into the method and system of Bobrow'308/Housman'340, in light of the teaching of Poor'060, in order to permit efficient retrieval of the images of gradable materials.

### ***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maria Stoica whose telephone number is (571) 272-5564. The examiner can normally be reached on M-F: 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carter Monica can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MS

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